

REMARKS

Applicants are appreciative of Examiner Gussow's willingness to conduct a telephone interview on January 27, 2010 to discuss the Notice of Non-compliant Amendment. Claims 1, 2, 5, 6, 12, 13, 22 and 23 are currently pending on the merits and under examination. Claims 22 and 23 have been amended to more clearly recite the claimed invention. Claims 7-11, 14, and 17-21 have been previously withdrawn without prejudice. Claims 3-4 and 15-16 have been previously canceled without disclaimer or prejudice. Support for the amendments can be found on paragraphs [0007] and [0014] of the published specification (U.S. Patent Application Publication No. 2007/026395). Applicants reserve the right to file one or more continuation or divisional applications to any withdrawn or canceled subject matter. No new matter has been added by this amendment.

The Notice of Non-Compliant Amendment stated that claims 22 and 23 are not drawn to the elected group of invention under examination. Applicants respectfully submit that in accordance with the telephone interview conducted with Examiner Gussow, claims 22 and 23 have been amended to recite the elected Group I, i.e. a human cancer related gene, LAPTM4B, vectors and host cells. Support of the amendments can be found in the published specification at paragraphs [0007] and [0014]. Accordingly, Applicants respectfully request reconsideration of claims 22 and 23.

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration and the timely allowance of the pending claims. Should the Examiner find that an interview would be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned at their convenience.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310.

Dated: **February 12, 2010**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP

/Mark J. Sullivan/
Mark J. Sullivan
Registration No. 54,478